REMARKS

Claims 1-10 are pending in the present application. By this amendment, claims 1 and 9-10 are amended, and claim 7 is canceled. Applicants respectfully request reconsideration of the present proposed claims in view of the following remarks.

Entry of the above amendment is proper under 37 C.F.R. § 1.116 (a) in that the above Amendment (1) places the claims in condition for allowance; (2) places the claims in better condition for consideration on appeal, if necessary; (3) does not raise any new issues; and (4) does not add new claims without canceling a corresponding number of claims. For the reasons given above, entry of the above amendment under 37 C.F.R. § 1.116 is respectfully requested.

I. Record of Telephone Conference with Examiner Patel

A telephonic interview occurred between Christopher Leonard, Jodi Hartman, and Examiner Patel on February 10, 2004. The interview covered the rejection of claims 1 and 9-10 under 35 U.S.C. §103 over Kohler in view of Launey. Examiner Patel noted that the amendments suggested during the interview where not sufficient to overcome the prior art and recommended amending the claims to clarify that a single predefined gesture is associated with a respective operation of a particular appliance.

II. Prior Art Rejections

Claim Rejections Under 35 U.S.C. §103(a)

Claims 1-10 are rejected under 35 U.S.C. §103(a) as being unpatentable over "Systems Architecture and Techniques for Gesture Recognition in Unconstraint Environments", Virtual Systems and Multimedia, IEEE 1997, pages 137-146 to Kohler (hereinafter "Kohler") in view of United States Patent No. 5,086,385 to Launey et al. (hereinafter "Launey"). This rejection is respectfully traversed.

As amended, claim 1 recites that an apparatus for operating a home appliance comprises an operations processor coupled to the image processor for identifying an operation of a particular home appliance associated with the gesture by comparing the recognized gesture with each of a predefined set of gestures, wherein each of the predefined gestures is associated with a respective operation of a particular home

appliance. Likewise, based on the proposed amendment, claim 9 recites that a home appliance comprises an operations processor coupled to the image processor for identifying an operation of a particular home appliance associated with the gesture by comparing the recognized gesture with each of a predefined set of gestures, wherein each of the predefined gestures is associated with a respective operation of a particular home appliance.

Kohler does not teach or suggest an apparatus for operating a home appliance or a home appliance as recited by claims 1 and 9, respectively. On the contrary, Kohler teaches a gesture recognition system that utilizes a gesture mapped to several similar tasks for different devices. For example, the gesture used for turning on the television would be the same gesture used for turning on the coffee maker. In order to distinguish which device to control, Kohler teaches that a user must first point to the particular device and perform the pointer click gesture sequence to select the device, such as a television, and then perform an additional gesture to initiate the desired task, such as turning on the television. This is not analogous to the apparatus of claim 1 or the home appliance of claim 9 because unlike the present invention which recites that each of the predefined gestures is associated with a respective operation of a particular home appliance, Kohler teaches that each gesture is mapped to several similar tasks for different devices. Based on this mapping of the same gesture for several similar tasks of different devices, a user utilizing the gesture recognition system taught by Kohler must perform a first pointer click gesture to select a device and a second additional gesture to initiate a task of the device, in contrast to the present invention which recites that a gesture is performed and then compared to each of a predefined set of gestures associated with a respective operation of a particular home appliance to identify the particular operation of the particular home appliance to perform.

The Office Action relies on the teaching of Launey to allegedly overcome the above-identified deficiencies of the teaching of Kohler. However, like the teaching of Kohler, the teaching of Launey does not teach or suggest an operations processor coupled to the image processor for identifying an operation of a particular home appliance associated with the gesture by comparing the recognized gesture with each of a predefined set of gestures, wherein each of the predefined gestures is associated with a respective operation of a particular home appliance. Instead, Launey discloses an

expandable home automation system that uses touchscreens, voice recognition circuitry, keypads, hand-held remote controls, computer keyboards, and/or telephones to input commands for appliances and subsystems within a home, without suggesting that the expandable home automation system also uses gestures to identify a command for appliances and subsystems within a home by comparing a recognized gesture with each of a predefined set of gestures associated with an respective operation of a particular home appliance. Therefore, like Kohler, Launey fails to teach or suggest the apparatus recited by claim 1 and the home appliance recited by claim 9 of the present invention.

As amended, claim 10 recites that a method for operating a home appliance comprises identifying an operation of a particular home appliance associated with the gesture by comparing the recognized gesture with each of a predefined set of gestures, wherein each of the predefined gestures is associated with a respective operation of a particular home appliance.

Kohler does not teach or suggest a method for operating a home appliance as recited by claim 10. Instead, Kohler discloses a method for controlling devices by utilizing a gesture mapped to several similar tasks for different devices. In order to distinguish which device to control, Kohler teaches that a user must first point to the particular device and perform the pointer click gesture sequence to select the device, such as a television, and then perform an additional gesture to initiate the desired task, such as turning on the television. This is not analogous to the method of claim 10 because Kohler fails to teach of suggest identifying the operation to perform and the device to control by comparing the gesture performed with each of a predefined set of gestures associated with a respective operation of a particular home appliance. Since Kohler teaches mapping the same gesture for several similar tasks of different devices, a user must first point at the device the user would like controlled and perform a pointer click gesture to select the device before providing an additional gesture for the task to be performed, in contrast to the present invention which recites that a gesture is performed and then compared to each of a predefined set of gestures associated with a respective operation of a particular home appliance to identify the particular operation of the particular home appliance to perform.

The Office Action relies on the teaching of Launey to allegedly overcome the above-identified deficiencies of the teaching of Kohler. However, like the teaching of

7

Kohler, Launey fails to teach or suggest a method for operating a home appliance comprising identifying an operation of a particular home appliance associated with the gesture by comparing the recognized gesture with each of a predefined set of gestures, wherein each of the predefined gestures is associated with a respective operation of a particular home appliance. On the contrary, Launey discloses an expandable home automation system that uses touchscreens, voice recognition circuitry, keypads, hand-held remote controls, computer keyboards, and/or telephones to input commands for appliances and subsystems within a home, without suggesting that the expandable home automation system also uses gestures to identify a command for appliances and subsystems within a home by comparing the recognized gesture with each of a predefined set of gestures associated with a respective operation or a particular home appliance. Therefore, like Kohler, Launey fails to teach or suggest a method as recited by claim 10 of the present invention.

Moreover, Applicants respectfully submit that one of ordinary skill in the art would not have combined the teaching of Kohler with the teaching of Launey absent the impermissible use of hindsight because Launey fails to teach or suggest an apparatus or method for controlling appliances by recognizing gestures associated with a particular task. The only motivation for such a combination of teachings has been deemed from a review of Applicants' invention, not from what is being taught or suggested from the cited art. For at least these reasons, Applicants respectfully submit that the combination of the teaching of Kohler with the teaching of Launey is improper.

For at least these reasons, claims 1, 9, and 10 are allowable over Kohler in view of Launey. Since claims 2-8 depend from claim 1 and recite additional features, Applicants respectfully submit that the combined teaching of Kohler and Launey does not make obvious Applicants' claimed invention as embodied in claims 2-8 for at least these reasons. Accordingly, withdrawal of these rejections is respectfully requested.
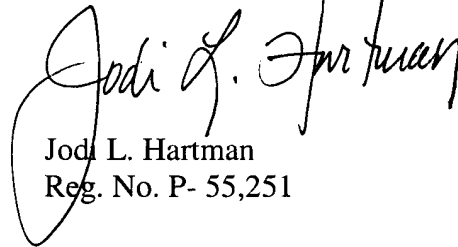
CONCLUSION

For at least these reasons, Applicants assert that the pending claims 1-10 are in condition for allowance. The Applicants further assert that this response addresses each

and every point of the Office Action, and respectfully requests that the Examiner pass this application with claims 1-10 to allowance. Should the Examiner have any questions, please contact Applicants' undersigned attorney at 404.954.5042.

Respectfully submitted,

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